

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CAROL A. SIMMONS,

Plaintiff,

v.

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

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Case No. 2:17-CV-1096

JUDGE ALGENON L. MARBLEY

Magistrate Judge Deavers

ORDER

This matter comes before the Court on the Magistrate Judge's April 3, 2018, **Report and Recommendation** (ECF No. 3), which recommended that Plaintiff's case be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m) for failure to timely effect service of process.

The Report and Recommendation specifically advised the parties that the failure to object results in a waiver of the right to have the district judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. (*Id.* at 1-2). The parties have failed to file any objections, and the deadline for objections (April 17, 2018) has lapsed.

The Court hereby **ADOPTS** the Report and Recommendation based on the independent consideration of the analysis therein. The Motion to Dismiss is **GRANTED** and the action is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

s/ Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT JUDGE

DATED: May 4, 2018